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GLINT INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

13 GLINT INC., a Delaware corporation,

14 Plaintiff,

15 v.

16 PERCEPTYX, INC., a California corporation;
17 MITCHELL ANDERSON, an individual; and
DOES 1 through 10, inclusive,

18 Defendants.

CASE No. 3:18-cv-02886-CRB

**DECLARATION OF MARK ESKRIDGE IN
SUPPORT OF PLAINTIFF GLINT INC.'S EX
PARTE MOTION FOR TEMPORARY
RESTRAINING ORDER AND EXPEDITED
DISCOVERY**

1 I, Mark Eskridge, declare as follows:

2 1. I am a Senior Computer Forensic Examiner at Digital Mountain, Inc. I make this
3 declaration in support of Plaintiff Glint Inc.'s ("Glint") Ex Parte Motion for a Temporary
4 Restraining Order and for Limited Expedited Discovery. I make the following statements based
5 upon my personal knowledge, except for those matters stated on information and belief and, if
6 called upon to testify, would testify competently to them.

7 2. I have 18 years of experience in digital forensics and digital evidence handling,
8 and I have examined over two thousand digital devices. My background and experience consists
9 of 23 years in law enforcement, and I am currently licensed by the State of California as a private
10 investigator. My investigation focus is currently limited to computer and cell phone forensics and
11 data recovery.

12 3. As part of my training, skill, and experience, I hold the following certifications
13 specifically related to digital/computer forensics: Certified Forensic Computer Examiner (CFCE)
14 from the International Association of Computer Investigative Specialists (IACIS); Digital
15 Forensic Certified Practitioner (DFCP) from the Digital Forensic Certification Board (DFCB);
16 EnCase Certified Examiner (EnCE) from Guidance Software; Certified BlackLight Examiner
17 (CBE) from BlackBag Technologies; Lantern iOS/Mac OSX Lab Certification from Katana
18 Forensics; Cellebrite Certified Mobile Examiner (CCME); and the Global Information Assurance
19 Certification's Advanced Smartphone Forensic (GASF) certification.

20 4. From May 1987 to August 1996, I was employed as a police officer and detective
21 for the City of Fountain Valley Police Department in California. From August 1996 to
22 September 2010, I was employed as a criminal investigator for the Orange County District
23 Attorney's Office in California. Between 1999 and 2010, while working as a criminal
24 investigator for the Orange County District Attorney's Office, I was assigned primarily to the
25 High Technology Crime/Computer Forensic Unit as a digital (computer) forensic examiner. I
26 have testified, as an expert witness, over 50 times on issues related to computer and cell phone
27 forensics and high technology crimes. In 2010 and 2011, I was a part-time contract instructor for
28 the High Tech Crime Institute. Several times a year at the High Tech Crime Institute

1 headquarters in Tampa, Florida, I conducted a one week computer forensic boot camp for law
2 enforcement computer forensic examiners. A true and correct copy of my most recent CV is
3 attached as **Exhibit A**.

4 5. On May 10, 2018, Digital Mountain was retained by Fenwick & West LLP to go
5 onsite at Glint's offices in Redwood City, California, and preserve Defendant Mitchell
6 Anderson's ("Mr. Anderson") MacBook Pro laptop (s/n C02S29DQFVH7), as well as the Gmail
7 and Google Drive data on Mr. Anderson's Glint company accounts, and Glint Salesforce logs.
8 This preservation was performed by David Dang ("Mr. Dang"), a Senior Manager for Digital
9 Mountain.

10 6. I began a forensic investigation of Mr. Anderson's Glint-provided laptop data on
11 May 12, 2018. The laptop was found to contain: (a) a large number of Glint's proprietary
12 documents, (b) Google Chrome Internet history, and (c) Mr. Anderson's personal Gmail account
13 "mitchanderson10@gmail.com."

14 7. The presence of Mr. Anderson's personal Gmail account data indicates that he had
15 previously utilized the Glint-provided Macbook to log into his personal Google/Gmail account.
16 Mr. Anderson's Gmail account was synched to the Macbook until March 26, 2018, although there
17 were two additional emails dated April 26, 2018.

18 8. Under my supervision and direction, Mr. Dang performed the examinations of the
19 Glint Gmail account, the Google Drive account, and the Salesforce account utilized by Mr.
20 Anderson. I have reviewed the results of what Mr. Dang analyzed from those accounts.

21 9. Mr. Dang and I have spent approximately 20 hours reviewing documents and
22 records related to Mr. Anderson's access to Glint's proprietary and confidential information, as
23 well as Mr. Anderson's correspondence with Defendant Perceptyx, Inc. ("Perceptyx").

24 10. I utilized three forensic tools, including Sumuri's Recon for OSX v3.14.2.12,
25 BlackBag Technologies' BlackLight v2018.1.1, and Magnet Forensic's Internet Evidence Finder
26 v6.13.0.10358, to extract, categorize and search data from Mr. Anderson's laptop.

27 11. During a file system analysis of the Macbook laptop, I discovered that Mr.
28 Anderson's user folder, "mitchanderson", contained more than 12,000 documents (primarily

1 Microsoft Office and PDF), in addition to over 400 documents attached to emails.

2 12. An analysis of “last accessed” time stamps on those 12,000+ documents shows
3 that over 3,500 documents were “last accessed” on April 9, 2018 between 8:07 A.M. (CST) and
4 8:27 A.M. (CST).

5 13. I performed a visual review of a sampling of those 3,500 document and the content
6 appears to be related directly to Glint and its business operations. I also performed a keyword
7 search for “Glint” within those 3,500 documents and over 2,100 of the 3,500 documents
8 contained the word “Glint,” either within the file name and/or within the content.

9 14. The primary storage location (file path) of those documents accessed on April 9,
10 2018 is “Users/mitchanderson/Google Drive/Sales Team/”. This storage location on Mr.
11 Anderson’s Macbook laptop is a folder which allows a user to synchronize documents and data to
12 an associated Google Drive.

13 15. The accessing of over 3,500 documents, within a 20 minute time period, is highly
14 unusual both in terms of the amount of the data grab and the speed with which it was achieved. It
15 usually indicates the copying of those files to either an internal or external data storage
16 location. There is no evidence that these documents had been copied to another storage location
17 (folder) *within* the Macbook laptop. In fact, on Mr. Anderson’s laptop, there were no other
18 instances involving access to this magnitude of documents, other than at the beginning of Mr.
19 Anderson’s employment when Glint prepared and populated the laptop to provide it to him. A
20 true and correct copy of a Microsoft Excel list of the 3,500 documents is attached hereto as
21 **Exhibit B.**

22 16. An analysis of possible external data storage devices was negative, due to system
23 log files on the Macbook laptop having been overwritten by the Macintosh operating system,
24 leaving recorded activity only as far back as April 11, 2018.

25 17. An examination of Glint’s Google Drive account, by Mr. Dang, indicates that just
26 over 600 files existed on the Google Drive when it was preserved by our company on May 10,
27 2018.

28 18. I used the keyword “Perceptyx” to conduct a search of Mr. Anderson’s work and

1 personal Gmail from the Macbook laptop. There were 81 hits for this keyword and several of the
2 hits showed suspicious activity regarding Glint's information, files, and folders.

3 19. My review of Mr. Anderson's personal emails, containing the keyword
4 "Perceptyx", indicate that he had a personal relationship with "Chad Tonniges", an employee of
5 Perceptyx, for several years.

6 20. During my review of Mr. Anderson's personal emails, I also encountered a July
7 18, 2016 e-mail chain indicating that, while employed as a salesperson for IBM, Mr. Anderson
8 connected with Jack Morehouse, a Co-Founder of Perceptyx, at a conference in Denver, Colorado
9 to discuss potential employment at Perceptyx. In the e-mail exchange, Mr. Anderson expressed
10 concern that his IBM colleagues would discover his intentions of seeking new employment. In
11 response, Mr. Morehouse agreed that the two "need to be discreet" in where and when to meet. A
12 true and correct copy of this email chain, which I forensically extracted from the Macbook laptop,
13 is attached as **Exhibit C**.

14 21. On or about March 13, 2018, Mr. Anderson received and then responded to a
15 personal Gmail from steve@smdfinancial.net, who, upon information and belief, appears to be an
16 employee or consultant at Perceptyx, with the subject line "Perceptyx, Inc. Health Benefits". The
17 email itself was not present on the Macbook laptop, but this residual data was present in the Mail
18 Envelope Index for Mr. Anderson's personal Gmail account on the Macbook laptop. A true and
19 correct copy of the Mail Envelope Index data, which I forensically extracted from the Macbook
20 laptop, is attached as **Exhibit D**.

21 22. On or about March 14, 2018, Mr. Anderson received a personal Gmail from
22 steve@smdfinancial.net, with a cc to sbalatoni@perceptyx.com, who, upon information and
23 belief, serves in a recruiting or human resources role at Perceptyx, with the subject line "New
24 Hire Health Quotes and Information". The email itself was not present on the Macbook laptop,
25 but this residual data was present in the Mail Envelope Index for Mr. Anderson's personal Gmail
26 account on the Macbook laptop. A true and correct copy of the Mail Envelope Index data, which
27 I forensically extracted from the Macbook laptop, is attached as **Exhibit E**.

23. On or about March 20, 2018, Mr. Anderson received a personal Gmail from ctonniges@perceptyx.com, with the subject line "Perceptyx Offer Letter". The email itself was not present on the Macbook laptop, but this residual data was present in the Mail Envelope Index for Mr. Anderson's personal Gmail account on the Macbook laptop. A true and correct copy of the Mail Envelope Index data, which I forensically extracted from the Macbook laptop, is attached as **Exhibit F**.

24. My understanding is that Mr. Anderson was employed with Glint from on or about September 19, 2016 to May 1, 2018 and began his employment with Perceptyx on or about May 1, 2018.

25. Based on my forensic review and analysis in this matter and my experience, it appears that an unauthorized data transfer occurred and was perpetrated by Mr. Anderson during his employment with Glint after Mr. Anderson had received a job offer from Perceptyx, and that he was collecting information from Glint to assist him and his new employer, Perceptyx, while still employed at Glint.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed this 17th day of May, 2018 in Costa Mesa, California.



Mark Eskridge